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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,580	11/01/2001	Yoon Kean Wong	035451-0166 (3704.Palm)	2720

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FOLEY & LARDNER
777 EAST WISCONSIN AVENUE
SUITE 3800
MILWAUKEE, WI 53202-5308

EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/001,580

Applicant(s)
Yoon Kean Wong et al.

Examiner
Pierre E. Elisca

Art Unit
3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/20/2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5-20, 22, 24, and 25 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-20, 22, 24, AND 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 3621

DETAILED ACTION
RESPONSE TO AMENDMENT

1. This Office action is in response to Applicant's amendment, filed on 11/20/2003.
2. Claims 1-2 and 5-20, 22, and 24-25 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2, 5-7, 10-14, 16-20, 22, and 24-25 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Teicher et al. (U.S. Pat. No. 5,933,813) in view of Nel (U.S. Pat. No. 6,507,823).**

As per claims 1, 6, 7, 10, 16, 17, 18, 24 and 25 Teicher substantially discloses a data processor system for promoting sales of products includes price storage devices for storing basic price information; criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices (which is seen to read as Applicant's claimed invention wherein it is stated that a system for selling or pricing a risk-based product related to an object), the system comprising:

Art Unit: 3621

a data collection system configured to collect data relating to the product, including object location (see., abstract, lines 1-10, specifically wherein it is stated that a data processor for promoting sales of products includes price storage devices for storing basic price information....., please note that the basic price information also includes the basic price of the products, Applicant should duly note that product is interpreted as an object);

a pricing system in electronic communication with the data collection system, the pricing system configured to at least one of sell and price the risk-based product, based on the object location data (see., abstract, specifically wherein it is stated that a data processor for promoting sales of products includes price storage devices for storing basic price information; criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices. Applicant should duly note that the basic price information also includes sell and basic price of the products and the product location, and also col 1, lines 36-50, col 2, lines 16-34, col 3, lines 52-67, col 4, lines 1-28).

It is to be noted that Teicher fails to explicitly disclose the newly added limitation in claim 18 wherein the product is at least one of an insurance policy, an insurance premium, an insurance price, and a warranty policy. However, Nel discloses a method/system of conducting a financial transaction between a purchaser and a vendor of a product. A transaction options for placing a bet, purchasing a share, purchasing a unit trust or purchasing an insurance policy are shown in figs 14A-14h, see., abstract, col 11, lines 64-67, col 12, lines 1-4). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the sales promotion of

Art Unit: 3621

Teicher by including the limitation detailed above as taught by Nel because such modification would provide coverage or recompense to products for damages which have occurred to them.

As per claims 2, 12, 13, 14, 20, and 22 Teicher discloses the claimed limitation, wherein the price system is in electronic communication with the data collection system via wireless transmitter (see., fig 8, col 6, lines 45-51).

As per claims 5, 11, and 19 Teicher discloses the claimed limitation, wherein the data relating to the product is data relating to at least one selected operational parameter, temperature, humidity, hours of operation, and time between service (see., abstract, lines 1-4, specifically wherein it is stated that criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices, please note that the predetermined criteria is seen to read as the operational parameter, col 6, lines 28-44).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3621

6. Claims 8, 9, 15, and 18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Teicher et al. (U.S. pat. No. 5,933,813) in view of Von Kohorn (U.S. Pat. No. 5,227,874).

As per claim 8, 9, 15 and 18 Teicher and Nel disclose the claimed limitations as stated in claim 1 above, including wherein said the received information includes information relating to the location of an object associated with the product see., abstract, lines 1-10, product or object. It is to be noted that Teicher and Nel do not explicitly disclose that the product is an insurance, a warranty, and security system. However, Von Kohorn discloses a method for the evaluation of stimuli such as broadcast commercials intended to promote purchases by shoppers. A prize-winning respondent can select a product from a listing and apply the value of a prize to the purchase price of the selected product. Wherein the term product also includes insurance, warranties, and security (see., Von Kohorn, abstract, col 47, lines 1-9, col 97, lines 64-68, col 98, lines 1-64, col 101, lines 13-19). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Teicher and Nel by including the limitations detailed above taught by Von Kohorn because it is a routine business practice to provide insurance and warranty for a product.

RESPONSE TO ARGUMENTS

7. Applicant's arguments filed on 11/20/2003 have been fully considered but they are not persuasive.

Art Unit: 3621

REMARKS

8. In response to Applicant's arguments, Applicant argues that the prior art of record do not teach or suggest alone or in combination:

a. "Applicant argues that the object and the risk-based product are different items". However, the Examiner respectfully disagrees since the claims expressly recite an object, which can be interpret as an item.

b. " a system for selling or pricing a product in electronic communication with a data collection system and having a pricing system that is configured to price a product based on the location of the product". As noted above, Teicher discloses this limitation in the abstract, specifically wherein it is stated that a data processor system for promoting sales of products includes price storage devices for storing basic price information; criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices, applicant should duly note that the price information and the promotion prices can also provide the location of the product, since the promoting sales are stored into the price storage devices (which is seen to read as Applicant's claimed invention wherein it is stated that a system for selling or pricing a product. Applicant should duly note that product is interpreted as an object , furthermore, Applicant is advised to establish the difference between his product and his object).

c. " receiving data related to a subject that is associated with a risk protection product". However, the Examiner respectfully disagrees because this limitation is disclosed by Teicher in the abstract, specifically wherein it is stated that price storage devices for storing basic price information; criteria

Art Unit: 3621

storage devices for storing predetermined criteria to be used in determining sales promotion prices, Applicant should duly note that the predetermined criteria that is to be used, is the risk factor taken in order to promote sale).

d. “receiving information relating to the product via a remote transmitter”. As stated above, Teicher discloses this limitation in col 6, lines 45-51, wireless communication.

CONCLUSION

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM to 5:00PM.

Art Unit: 3621

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents of Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:



Pierre E. Elisca

Primary Patent Examiner

January 29, 2004